

02 DEC 1996

CHAPTER 11

SHIPS' BRIGS

SECTION 1. POLICIES

11101. LIMITATIONS. A ship's limitations in space, available personnel, and program resources require the selected application of the provisions of this manual. The following articles are provided to clarify the requirements as they apply to ships' brigs. With the exception of the clarification presented in this chapter, the articles of this manual will be applied to ships' brigs. Afloat brigs will be operated by all CV's, CVN's, LPH's, LHA's, and LHD's, and may be operated by tenders with facilities when in a port where there is no ashore brig and the fleet commander has authorized the brig for operation. Other ships may be specifically designated by the fleet commanders to operate a brig. Detailed policy is contained in reference (h).

11102. PHYSICAL PLANT. Cells in ships' brigs are not required to conform to the size specified for cells in shore brigs. See article 2101.2 for structural standards prescribed for ships' brigs.

11103. STAFF

1. Staffing. All ships required to operate brigs (see 11101 above) will be assigned six billets with navy enlisted classification code (NEC) 9575 or NEC 2008 and one billet with NEC 9516. Ships not required to operate a brig but which, in consideration of isolated operations, are given specific authorization by the Fleet Commander to operate the brig on deployment, must have at least three persons on board assigned to the brig who possess NEC 9575 or NEC 2008, and one person on board assigned to the brig on a collateral duty basis, who possesses NEC 9516. These personnel will be augmented by other qualified ship's company personnel. For selection and assignment criteria, see articles 3102 and 3103. A minimum of two staff members will be on duty in the brig at all times when a person is confined.

2. Training. Staff will complete appropriate afloat brig training. Claimant or Chief of Naval Personnel (Pers-84) may be contacted for schedules.

11104. EMERGENCY BILLS. The brig emergency bills will incorporate the ship's "Man Overboard" and "Abandon Ship" bills.

ART 11101

02 DEC 1996

11105. PROGRAMS. An extensive correctional program is not required; however, prisoners shall work, except that bread and water prisoners will remain in their cells. Other programs, such as physical training, military drill, and counseling will be provided.

11106. RECORDS AND REPORTS

1. Log. The brig log in most ships' brigs is sufficient to account for prisoner movement. Other accountability systems or logs required in this manual may be incorporated in the brig log.

2. Confinement and Release Records. The Confinement Order (NAVPERS 1640/4) and the Prisoner Release Order (DD 367) shall be used.

3. Prisoner File. A prisoner file will be maintained on all prisoners confined in a ship's brig. As a minimum, this file will contain the Confinement Order, (NAVPERS 1640/4); Initial Contact Sheet, (NAVPERS 1640/19), except for bread and water; Disciplinary Reports, (NAVPERS 1640/9); Inspection Report of Prisoner in Segregation, (DD 509); and the Prisoner Release Order, (DD 367). This file shall be retained in the brig.

11107. ADMINISTRATIVE MATTERS

1. Funds and Valuables. Prisoner funds and valuables will be deposited with the disbursing officer. Procedures for such action will be specified in the brig standard operating procedures and reference (h).

2. Personal Property. Prisoner personal property in the brig will be limited to essential items and all other property will be secured by the prisoner's division officer until release from confinement.

SECTION 2. CONFINEMENT POLICIES

11201. CONFINEMENT OF MALES/FEMALES. Persons of either sex may be confined in a ship's brig as long as the conditions of article 7103.2 are followed.

11202. USE OF SHIP'S BRIG WHILE IN PORT. Ship's personnel may be confined in the ship's brig while in port as long as the time constraints are observed. (See article 7104.4.)

11203. DETENTION OF PRISONERS OF WAR, CIVILIAN INTERNEES, AND
OTHER DETAINED PERSONS ABOARD NAVAL VESSELS

1. Background

a. International law requires humane treatment of prisoners of war (POW), civilian internees (CI), and other detained persons (DET) at all times.

b. International treaty law expressly prohibits "internment" of POW other than in premises located on land, but does not specifically address temporary stays on board vessels. Customary practice has allowed temporary custody as discussed below. Although internment is not defined, prohibition on internment requires policy carefully limiting detention of POW/CI/DET on board vessels.

2. Policy

a. Detention of POW/CI/DET on board naval vessels will be limited as follows:

(1) POW/CI/DET picked up at sea may be temporarily held on board as operational needs dictate, pending a reasonable opportunity to transfer them to a shore facility or to another vessel for evacuation to a shore facility.

(2) POW/CI/DET may be temporarily held on board naval vessels while being transported between land facilities.

(3) POW/CI/DET may be temporarily held on board naval vessels if such detention would appreciably improve the safety or health prospects for the POW/CI/DET.

b. Holding of POW/CI/DET on board vessels must be truly temporary, limited to the minimum period necessary to evacuate the POW/CI/DET from the combat zone or to avoid the significant harm the POW/CI/DET would face if detained on land.

c. Use of immobilized vessels for temporary holding of POW/CI/DET is not authorized without national command authority approval.